

Notice of Allowability

Application No.

09/574,909

Applicant(s)

BEAUDOIN ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/20/2006.
2. ☒ The allowed claim(s) is/are 79-98.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 1/20/2006 is acknowledged and entered. Claims 1-78 are canceled. Claims 79, 86-90, 92- 94, and 96-98 are amended. Currently claims 79-98 are pending for examination.
- 1.1. In view of amendments made to claims 79, 86-90, 92- 94, rejection of claims 79-92 under 35 USC 101 is withdrawn.

Allowable Subject Matter

2. Claims 79-98 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The prior art of record neither anticipates nor fairly and reasonably teaches a computerized method and a system for matching a consumer with a home service provider, comprising, inter alia, the steps of creating a database of home service providers and storing the data in a first computer for monitoring/tracking a historical acceptance of consumer leads accepted by the home service providers, receiving information relating to a home service from a second computer, in response to receiving the information from the second computer, providing a menu/(first list) with the first computer comprising tasks that relate to skills of home service providers, receiving a selection of a task from the menu/(first list) by the second computer, in

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response to receiving the selection of the task, forming a first dataset (second list) with the first computer and stored in memory on the first computer that identifies a set of qualified home service providers, the first dataset (second list) comprising home service providers from the database who match the selected task, selecting home service providers from the first dataset (second list) with the first computer based upon the historical acceptance of consumer leads by home service providers to form a second dataset (third list) stored in memory in the first computer, and creating a fair and balanced distribution of consumer leads by selecting home service providers from the second dataset (third list) with the first computer who have a least number of consumer leads that were made available to the home service providers to form a third dataset (fourth list) (see independent claims 79, 86 and 93. Note : The term "menu" in claims 86 and 93 corresponds to " first list " in claim 79, and the terms "first dataset, second dataset, third dataset" in claims 86 and 93 correspond to " second list, third list, fourth list" respectively in claim 79).

Since claims 80-85, 87-92 are dependencies of independent claims the reasons for allowance for all the dependent claims is same as for claims 79, 86 and 93 given above.

Applicant's arguments/remarks in the amendment filed on 1/20/2006 (see Remarks, pages 10-18) are compelling and commensurate with the original disclosure,

"It is respectfully submitted that the Giovannoli reference and the Improvenet publications fail to describe, teach, or suggest the combination of (1) creating a database with a first computer comprising home service providers and data for tracking a historical acceptance of consumer leads by each home service provider; (2) receiving information relating to a home service over a computer network with the first computer from a second computer, (3) in response to receiving the information, providing a first list with the first computer comprising tasks that relate to skills of home service providers; (4) receiving a selection of a task from the first list over the computer network from the

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second computer; (6) in response to receiving the selection of the task, forming a second list with the first computer and stored in memory on the first computer that identifies a set of qualified home service providers with the first computer, (7) the second list comprising home service providers from the database who match the selected task; (8) selecting home service providers from the second list with the first computer based upon historical acceptance of consumer leads (9) that tracks types of services associated with the consumer leads and are accepted by the home service providers to form a third list stored in memory on the first computer; (10) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (11) transmitting the fourth list over the computer network with the first +computer to the second computer, (12) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers, as recited in amended independent Claim 79..... "

4. Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

The most closely applicable prior art of record is referred to in the action mailed on 7.20/2005, that is Giovannoli (US Patent 5,758,328), hereinafter referred to Giovannoli and Improvenet periodicals cited in the earlier office action.

Giovannoli's invention is directed to a computerized system and method wherein buyers transmit their requests for quotation to a central computerized network which broadcasts them to prospective sellers based upon filter conditions/criteria set by buyer(s) or the seller(s) or the network operator itself. The responses received from the sellers are communicated via communication network to the prospective buyer (see at least col.2, line 35-col.3, line 21). Improvenet website prompts consumers about their requirement, such as kitchen remodeling or room addition, etc. with an estimated budget and in response the Improvenet communicates this job requirement to home service providers/contractors and the ones who are interested are referred to the

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consumer (see page 2). However, both Giovannoli and Improvenet either alone or combined neither anticipate or render obvious the above underlined unique features of the applicant's invention as a whole. See also the applicant's remarks, filed on 1/20/2006, see Remarks, pages 13-15,

*" The Applicants respectfully submit that the selection process of the Giovannoli reference is not equivalent to or close to the processing steps being claimed in amended independent Claim 79. The Giovannoli reference does not **provide any teaching of (a) selecting home service providers from a second list with the first computer based upon historical acceptance of consumer leads (b) that tracks types of services associated with the consumer leads and are accepted by the home service providers to form a third list stored in memory on the first computer; (c) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (d) transmitting the fourth list over the computer network with the first computer to the second computer, (e) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers, as recited in amended independent Claim 79.....***

*.....As the Applicants have noted in their previous response, while the Improvenet publications describe a technology in the same field of the Applicants technology, these publications do not provide enabling details for Improvnet's matching process. Further, these publications do not provide any teaching of **(a) selecting home service providers from a second list with the first computer based upon historical acceptance of consumer leads (b) that tracks types of services associated with the consumer leads and are accepted by the home service providers to form a third list stored in memory on the first computer, (c) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (d) transmitting the fourth list over the computer network with the first computer to the second computer, (e) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers, as recited in amended independent Claim 79.***

*In light of the **differences** between amended Claim 79 and the Giovannoli and Improvenet Publications, one of ordinary skill in the art recognizes that the broadest, reasonable interpretation of these references cannot anticipate or render obvious the recitations as set forth in amended independent Claim 79. Accordingly, consideration and an indication that Claim 79 is allowable over the prior art are respectfully requested..... "*

5 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2005/0010467 A1 to Dietz et al. (see at least paragraphs 0006-0008) discloses a computerized method and system automating the process of engaging non-employee workers by the organizations. A database is provided for

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storing non-employee profiles and data about their skills and availability and the organization via their own terminal can access the database via a network to find and select non-employee workers based upon their requirement and the stored data related to the skills and availability of the non-employee workers. Dietz et al. neither teaches nor renders obvious the above underlined unique features of the applicant's invention as a whole .

(ii) US Patent 5,117,353 to Stipanovich et al. (see at least Abstract and col.3, line 50-col.6, line 52) discloses a computerized method and system automating the process of screening temporary workers recording their data, receiving job orders for them from one or more clients and matching the temporary workers to job orders. Stipanovich et al. neither teaches nor renders obvious the above underlined unique features of the applicant's invention as a whole .

(iii) US Patent 6,049,776 to Donnelly et al. (see at least Abstract and col.26, line 30-col.31, line 44) discloses a computerized method and system automating the process of screening, selecting and assigning employees to a project based upon their skills, profiles and availability/schedules stored in a database.

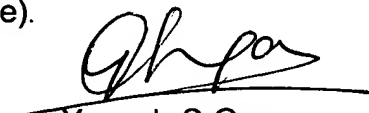
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
3/31/2006